

Robert White

ATTORNEY AT LAW



April 15, 2015

BOARD CERTIFIED PERSONAL INJURY TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

Sharon Jones
Martin County District Clerk
PO Box 906
Stanton, Texas 79782

16825

Dear Ms. Jones:

Enclosed please find the following:

- 1) Plaintiff's Original Petition and 2 copies; and
- 2) A check for \$288.00.

Please file the original petition and issued the 2 citations. Please mail back to 2 citations to my office.

Thanks,

/s/ Greta Fischer

Greta Fischer

Page 1 of 1

A CERTIFIED COPY

ATTEST: Sharon Jones 5/22/15
County and District Clerk
Martin County, Texas

Linda Youngless Deputy

District Court Civil Case Cover Sheet118 District Court Cause Number: 6825

This civil Cover Sheet should be completed and filed with the original petition. The information should be the best available at the time of filing, understanding that the information may change before trial.

This information does not constitute a discovery request, response, or supplementation, and is not admissible at trial.

1. Styled <u>Susan Medina IV</u> v. <u>Russell Ryan Hunter</u>			
Plaintiff Defendant			
2. Indicate case type (check only one):			
CONTRACT	INJURY OR DAMAGE	OTHER CIVIL	EMPLOYMENT
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity-Expedited <input type="checkbox"/> Other foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<input type="checkbox"/> Assault/Battery (S016) <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability List Product: <input type="checkbox"/> Other Personal Injury or Damage:	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:	<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Worker's Comp <input type="checkbox"/> Other Employment:
REAL PROPERTY			
<input type="checkbox"/> Eminent domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____			
TAX <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax			
FILED <u>April 17, 2015</u> At <u>10:20</u> o'clock <u>AM</u> <u>SHARON JONES</u> District & County Clerk Martin Co., Texas By <u>Linda Gonzales</u> Deputy			
3. Indicate sub-topic, if relevant:			
<input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-Judgment <input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> TRO/Injunction <input type="checkbox"/> Turnover			
4. Has this case been previously filed, or is it related to a case previously filed, in this county, or in Another county or state?			
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, in this county: Court: _____ Cause #: _____ <input type="checkbox"/> Yes, in another county or state: County: _____ State: _____ Cause #: _____			
5. Level of Discovery		Level 1	Level 2
6. Instrument Filed		7. Instrument to be Issued	
<input checked="" type="checkbox"/> Original Petition <input type="checkbox"/> Amended Petition <input type="checkbox"/> Motion to Modify <input type="checkbox"/> Motion to _____ <input type="checkbox"/> Order to Set Hearing/ Notice of hearing <input type="checkbox"/> Order to Appear/Show-Cause. <input type="checkbox"/> Temporary Restraining Order <input type="checkbox"/> Other _____		<input checked="" type="checkbox"/> Citation <input type="checkbox"/> Precept <input type="checkbox"/> Show-Cause <input type="checkbox"/> TRO <input type="checkbox"/> Other _____	
8. Service Type			
<input type="checkbox"/> Sheriff <input type="checkbox"/> Publication <input type="checkbox"/> Other _____ <input type="checkbox"/> Secretary of State <input type="checkbox"/> Private Process Server			
Please email back 10. Person Completing Cover Sheet Is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Self Represented <u>Greta Fischer</u> Name <u>230 W 3rd</u> Address <u>Odessa Tx 79701</u> City/State/Zip <u>(432)580-5421 24044383</u> Phone No. State Bar No.			
9. Party to Serve			
<u>Travis Lewis, Chairman</u> Name <u>Texas Transportation Comm.</u> Address <u>125 E 11th St.</u> City/State/Zip <u>Austin, Tx 78701-2483</u>			

Page 1 of 1A CERTIFIED COPY Sharon Jones 5/22/15

ATTEST:
 County and District Clerk
 Martin County, Texas

Linda Gonzales Deputy

NO. 6825

JUAN MOLINA IV § IN THE DISTRICT COURT
Plaintiff, §
§
§
V. § 118TH JUDICIAL DISTRICT
§
§
RUSSELL RYAN HUNTER AND ARK §
LA TEX WIRELINE SERVICES, LLC §
Defendants. § OF MARTIN COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Juan Molina IV, hereinafter called Plaintiff, complaining of and about Russell Ryan Hunter and Ark La Tex Wireline Services, LLC, hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Juan Molina IV, is an Individual who is a resident of Lamesa, Dawson County, Texas.

3. The last three numbers of Juan Molina IV's driver's license number are 616.

4. Defendant Russell Ryan Hunter, an Individual who is a resident of the State of Louisiana, who resides at: 845 Linden Avenue, Shreveport, LA 71111. Service of said Defendant Russell Ryan Hunter has appointed the Chairman of the Texas Transportation Commission as his agent on whom citation may be served in accordance with Section 17.063 of the Civil Practice and Remedies Code.

5. Defendant Ark La Tex Wireline Services, LLC, is a foreign Limited Liability



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

Page 1 of 7

FILED April 17, 2015
At 10:32 o'clock AM
By Ron Jones
District Clerk, County Clerk Martin Co., Texas
Deputy Ron Jones

Company. The Defendant has registered, is duly authorized to transact business in the State of Texas, and may be served with process by serving the registered agent of said company, CT Corporation System, at 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136, its registered office. Service of said Defendant as described above can be effected by certified mail return receipt requested.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.
7. Plaintiff seeks:
 - a. monetary relief over \$200,000 but not more than \$1,000,000.
8. This court has jurisdiction over Defendant Russell Ryan Hunter by virtue of the operation of a motor vehicle on the public roads of Texas, as more particularly described below, the Defendant Russell Ryan Hunter has appointed the Chairman of the Texas Transportation Commission as his agent on whom citation may be served in accordance with Section 17.063 of the Civil Practice and Remedies Code.
9. This court has jurisdiction over Defendant Ark La Tex Wireline Services, LLC because Defendant has registered, is duly authorized to transact business in the State of Texas.
10. Venue in Martin County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

11. On August 28, 2013, Plaintiff was working on the headlights of a Ford F-250 ("truck") in the Stripes parking lot in Stanton, Martin County, Texas. Plaintiff was bent over and facing his truck.



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Page 2 of 7

12. Defendant Russell Hunter was operating a truck owned by his employer, Ark La Tex Wireline Services LL. Defendant Russell Hunter was parked in front of the Stripes' store, he put the truck in reversed, and reversed out of his parking spot. As Defendant Russell Hunter was backing up, he struck and pinned Plaintiff Juan Molina IV in between Plaintiff and Defendants' truck causing Plaintiff Juan Molina IV personal injuries.

**PLAINTIFF'S
CLAIM OF NEGLIGENCE AGAINST RUSSELL RYAN HUNTER**

13. Defendant Russell Ryan Hunter had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

14. Plaintiff's injuries were proximately caused by Defendant Russell Ryan Hunter's negligent, careless and reckless disregard of said duty.

15. The negligent, careless and reckless disregard of duty of Defendant Russell Ryan Hunter consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant Russell Ryan Hunter failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances.

**PLAINTIFF'S CLAIM OF
RESPONDEAT SUPERIOR AGAINST ARK LA TEX WIRELINE SERVICES, LLC**

16. At the time of the occurrence of the act in question and immediately prior thereto, Russell Ryan Hunter was within the course and scope of employment for Defendant Ark La Tex Wireline Services, LLC.

17. At the time of the occurrence of the act in question and immediately prior thereto, Russell Ryan Hunter was engaged in the furtherance of Defendant Ark La Tex Wireline Services, LLC's business.



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

Page 3 of 7

18. At the time of the occurrence of the act in question and immediately prior thereto, Russell Ryan Hunter was engaged in accomplishing a task for which Russell Ryan Hunter was employed.

19. Plaintiff invokes the doctrine of Respondeat Superior as against Defendant Ark La Tex Wireline Services, LLC.

DAMAGES FOR PLAINTIFF, JUAN MOLINA IV

20. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Juan Molina IV was caused to suffer injuries to his right leg, lower back, hip and a disc protrusion to his lumbar spine, and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, Juan Molina IV for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Dawson and Martin County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earning capacity in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future; and
- I. Mental anguish in the past.

USE OF U.S. LIFE TABLES

21. Notice is hereby given to the Defendant that Plaintiff intends to use Table 107,



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Page 4 of 7

Expectation of Life and Expected Deaths by Race, Sex and Age: 2008 published by the U.S.
Census Bureau, Statistical Abstract of the United States: 2012.



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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE

Page 5 of 7

NOTICE OF INTENTION TO USE PRODUCTS OF DISCOVERY, INCLUDING DOCUMENTS AND OTHER TANGIBLE THINGS PRODUCED

22. Under the authority of the Texas Rules of Civil Procedure 193.7, Plaintiff gives notice of Plaintiff's intent to use all or a portion of the documents, tangible things or other data and information produced and provided in Discovery in this cause during the trial herein and/or depositions that are taken in this cause.

23. This Notice extends to all products of discovery produced by any Party to this suit. This Notice is provided pursuant to Rule 193.7, Texas Rules of Civil Procedure.

REQUEST FOR DISCLOSURE

24. In accordance with Texas Rules of Civil Procedure 194, you are requested to disclose to Plaintiff at the office of the undersigned counsel for Plaintiff, within fifty (50) days of service to this request, the information or material described in Rule 194.2(a)-(l).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Juan Molina IV, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.



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Page 6 of 7

Respectfully submitted,

CHILDS BISHOP & WHITE P.C.

By:

ROBERT WHITE

Texas Bar No. 21324500

GRETA FISCHER

Texas Bar No. 24044383

230 W 3RD ST

Odessa, Texas 79761-5014

Tel. (432) 580-5421

Fax. (432) 337-5465

Email: cbwlitigation@cableone.net

ATTORNEYS FOR PLAINTIFF

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

Page 7 of 7

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ATTEST: Sharon Jones 5/22/15

County and District Clerk

Martin County, Texas

Linda Longales Deputy

Robert White

ATTORNEY AT LAW

BOARD CERTIFIED PERSONAL INJURY TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION



May 5, 2015

Sharon Jones
Martin County District Clerk
P.O. Box 906
Stanton, Texas 79782

Re: Juan Molina, IV v. Russell R. Hunter, Cause No. 6825
My File No.: 212582

Dear Ms. Jones:

Enclosed please find a civil cover sheet for Cause Number 6825 and a check for \$8.00.
Please issue a new citation and mail back to my office.

Thank you for your attention to this matter.

Sincerely,

Greta Fischer
Attorney at Law

Page 1 of 1

A CERTIFIED COPY

Sharon Jones 5/22/15

ATTEST:
County and District Clerk
Martin County, Texas

Linda Mongeau Deputy

FILED May 6 2015
At 10:30 o'clock A.M.

Sharon Jones
District & County Clerk Martin Co., Texas
By Linda Mongeau Deputy

Dist. Court Civil Case Cover Sheet

118M District Court Cause Number: 6825

This civil Cover Sheet should be completed and filed with the original petition. The information should be the best available at the time of filing, understanding that the information may change before trial.

This information does not constitute a discovery request, response, or supplementation, and is not admissible at trial.

1. Styled Susan Malina IV Plaintiff v. Russell Ryan Hunter Defendant

2. Indicate case type (check only one):

CONTRACT	INJURY OR DAMAGE	OTHER CIVIL	EMPLOYMENT	
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity-Expedited <input type="checkbox"/> Other foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<input type="checkbox"/> Assault/Battery (S016) <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability List Product: <input type="checkbox"/> Other Personal Injury or Damage: REAL PROPERTY <input type="checkbox"/> Eminent domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____	<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Worker's Comp <input type="checkbox"/> Other Employment: _____	
		TAX	RELATED TO CRIMINAL MATTERS <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of habeas corpus - Pre-indictment <input type="checkbox"/> Other: _____	
		<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		

FILED May 6, 2015
At 10:30 o'clock A.M.SHARON JONES
District & County Clerk Martin Co., Texas
By Linda Mengel Deputy

3. Indicate sub-topic, if relevant:

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Attachment | <input type="checkbox"/> Declaratory Judgment | <input type="checkbox"/> Mandamus | <input type="checkbox"/> Sequestration |
| <input type="checkbox"/> Bill of Review | <input type="checkbox"/> Garnishment | <input type="checkbox"/> Post-Judgment | <input type="checkbox"/> TRO/Injunction |
| <input type="checkbox"/> Certiorari | <input type="checkbox"/> Interpleader | <input type="checkbox"/> Prejudgment Remedy | <input type="checkbox"/> Turnover |
| <input type="checkbox"/> Class Action | <input type="checkbox"/> License | <input type="checkbox"/> Receiver | |

4. Has this case been previously filed, or is it related
To a case previously filed, in this county, or in _____
Another county or state?
County: _____ State: _____ Cause #: _____

5. Level of Discovery

 Level 1 Level 2 Level 3

6. Instrument Filed

8. Service Type

<input type="checkbox"/> Original Petition	<input checked="" type="checkbox"/> Citation	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Constable	<input type="checkbox"/> Certified Mail
<input type="checkbox"/> Amended Petition		<input type="checkbox"/> Publication	<input type="checkbox"/> Posting	<input type="checkbox"/> None
<input type="checkbox"/> Motion to Modify		<input type="checkbox"/> Other		
<input type="checkbox"/> Motion to _____	<input type="checkbox"/> Precept	<input type="checkbox"/> Secretary of State		
<input type="checkbox"/> Order to Set Hearing/ Notice of hearing		<input type="checkbox"/> Private Process Server		
<input type="checkbox"/> Order to Appear>Show-Cause	<input type="checkbox"/> Show-Cause			
<input type="checkbox"/> Temporary Restraining Order	<input type="checkbox"/> TRO			
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____			

Please mail back
Greta Fischer
Name
730 W 3rd
Address
Odessa Tx 79701
City/State/Zip
(432)580-5721 24244383
Phone No.
State Bar No.

9. Party to Serve

Russell Ryan Hunter
Name 3036 Greenacres Place
Address Apt 49

City/State/Zip Bossier City, LA 71111-2147

Page 1 of 1

A CERTIFIED COPY

ATTEST: Sharon Jones 5/15

County and District Clerk

Martin County, Texas

Linda Mengel Deputy

Received:

May 27 2015 02:52pm

432-607-2212

15:04:18 05-27-2015

2 / 4

NO. 6825

JUAN MOLINA IV

Plaintiff

§ IN THE DISTRICT COURT OF

§

§

V.

§

§

RUSSELL RYAN HUNTER and ARK LA TEX
WIRELINE SERVICES, LLC*Defendant*

§

§

§

118TH JUDICIAL DISTRICT

§

§

OF MARTIN COUNTY, TEXAS

**DEFENDANT ARK LA TEX WIRELINE SERVICES, LLC'S
ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ARK LA TEX WIRELINE SERVICES, LLC ("Defendant"), Defendant in the above-styled and numbered cause, and files this Original Answer, and would respectfully show unto this Honorable Court as follows:

I. GENERAL DENIAL

1.1 Defendant invokes the provisions of Texas Rule of Civil Procedure 92, and does hereby exercise its legal right to require Plaintiff to prove all of the allegations contained in his pleading, if Plaintiff can so prove them, which is denied. Accordingly, Defendant denies generally the allegations of Plaintiff's pleading and demands strict proof thereof by a preponderance of the evidence.

II. ADDITIONAL DEFENSES

2.1 For further answer, if such be necessary, Defendant asserts the provisions of Chapter 33 of the Texas Civil Practices and Remedies Code.

2206733v1
01044.044

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IN MARTIN COUNTY & DISTRICT CLERK'S OFFICE
Page 1 of 3-1-

FILED May 27, 2015
At 10:45 o'clock A.M.
SHARON JONES
District & County Clerk Martin Co., Texas
By Linda Mengel Deputy

III. Jury Demand

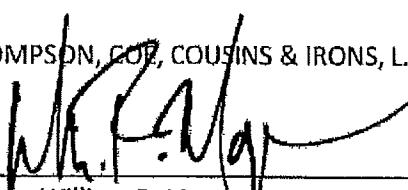
3.1 Defendant hereby relies on Plaintiff's demand for a trial by jury.

IV. PRAYER

4.1 Defendant prays that Plaintiff take nothing by this suit, that Defendant have judgment for its costs in this proceeding, and that the Court grant Defendant all such other relief, both general or special, in law or in equity, to which it may show itself to be justly entitled.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: 

William R. Moye

State Bar No. 24017553

Andrew J. McCluggage

State Bar No. 24065708

Courtney K. Walsh

State Bar No. 24088602

One Riverway, Suite 1400

Houston, Texas 77056

(713) 403-8210; Fax: (713) 403-8299

wmoye@thompsoncoe.com

amcluggage@thompsoncoe.com

cwalsh@thompsoncoe.com

ATTORNEYS FOR DEFENDANTS: RUSSELL RYAN
HUNTER and ARK LA TEX WIRELINE SERVICES,
L.L.C



432-607-2212

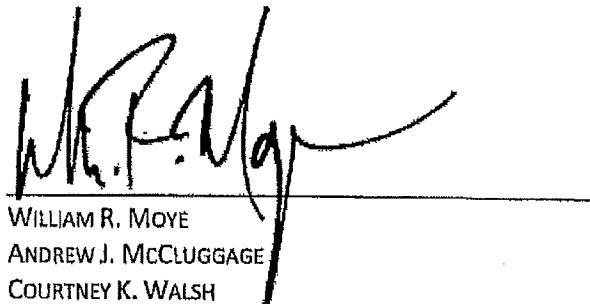
15:04:51 05-27-2015 4 / 4

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent to all known counsel of record pursuant to the Texas Rules of Civil Procedure on the 18th day of May, 2015.

Via E-File and/or Facsimile: (432) 580-5421

Robert White
Greta Fischer
CHILDS BISHOP & WHITE P.C.
230 W. 3rd Street
Odessa, Texas 79761
Counsel for Plaintiff

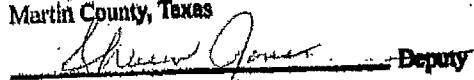


WILLIAM R. MOYE
ANDREW J. McCULLAGH
COURTNEY K. WALSH

Page 3 of 3

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ATTEST: May 27, 2015
County and District Clerk S. Sharon Jones
Martin County, Texas


S. Sharon Jones Deputy